

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

TIO CARVAJAL HERNANDEZ,

Plaintiff,

v.

LYLE KINI-KINI,

Defendant.

Case No. 2:19-cv-00743-SB

ORDER

IMMERGUT, District Judge.

On July 12, 2021, Magistrate Judge Stacie F. Beckerman issued her Findings & Recommendation (F&R), ECF 65, recommending that Plaintiff's Motion to Reopen Case, ECF 62, be denied. No party filed objections.

DISCUSSION

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no

objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, sua sponte” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, the Court has reviewed the F&R, ECF 65, and accepts Judge Beckerman’s conclusions. Judge Beckerman’s F&R, ECF 65, is adopted in full. Accordingly, this Court DENIES Plaintiff’s Motion to Reopen Case.

IT IS SO ORDERED.

DATED this 5th day of August, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge